

SENATE RECORD VOTE ANALYSIS

106th Congress
1st Session

Vote No. 4

January 27, 1999, 1:11 p.m.
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CLINTON IMPEACHMENT/Motion to Dismiss

SUBJECT: Impeachment trial of William Jefferson Clinton for perjury and obstruction of justice. Byrd motion to dismiss.

ACTION: MOTION REJECTED, 44-56

SYNOPSIS: On December 19, 1998, the House of Representatives impeached (indicted) President Clinton for perjury and obstruction of justice based on his actions and statements in relation to a Federal civil rights sexual harassment lawsuit that was filed against him by a former employee, Paula Corbin Jones. Ms. Jones alleged that in 1991, when she was an Arkansas State employee, then-Arkansas Governor Clinton exposed himself to her in a crude sexual advance which she refused, and that she subsequently and consequently suffered numerous adverse employment actions and was defamed. During the discovery phase of the lawsuit, the presiding judge ordered President Clinton to answer under oath certain questions posed by Ms. Jones' attorneys regarding any history he had of involvement in sexual relationships with State or Federal employees (such lines of questioning in sexual harassment lawsuits are a common means of establishing whether patterns of similar sexual harassment exist, including patterns of reward and punishment based upon the responses of subordinate employees to sexual advances). Those questions, which were posed in January, 1998, included questions regarding his relationship with a former White House intern, Monica Lewinsky (President Clinton had met Ms. Lewinsky and had begun a relationship with her when she was an intern). Later, in August, 1998, Ms. Lewinsky testified before a Federal grand jury, under a grant of immunity, regarding an affidavit she had filed in the *Jones* case. She gave detailed testimony and provided extensive corroborating physical evidence of a sexual relationship with the President. The President also testified before that grand jury in August. His testimony concerned his relationship with Ms. Lewinsky, his testimony before the Federal court in the sexual harassment lawsuit, and actions he took and statements he made before and after testifying in that lawsuit. The House impeachment of the President for obstruction of justice is based on numerous charges that he illegally tried to conceal the nature of his relationship with Ms. Lewinsky from the Federal court and the grand jury, and its impeachment of him for perjury is based on charges of numerous perjurious statements in his grand jury testimony, including charges of perjury regarding his relationship with Ms. Lewinsky and his efforts to obstruct justice in the sexual harassment case

(See other side)

YEAS (44)		NAYS (56)			NOT VOTING (0)	
Republicans (0 or 0%)	Democrats (44 or 98%)	Republicans (55 or 100%)	Democrats (1 or 2%)		Republicans (0)	Democrats (0)
Akaka	Kennedy	Abraham	Hutchinson	Feingold		
Baucus	Kerrey	Allard	Hutchison			
Bayh	Kerry	Ashcroft	Inhofe			
Biden	Kohl	Bennett	Jeffords			
Bingaman	Landrieu	Bond	Kyl			
Boxer	Lautenberg	Brownback	Lott			
Breaux	Leahy	Bunning	Lugar			
Bryan	Levin	Burns	Mack			
Byrd	Lieberman	Campbell	McCain			
Cleland	Lincoln	Chafee	McConnell			
Conrad	Mikulski	Cochran	Murkowski			
Daschle	Moynihan	Collins	Nickles			
Dodd	Murray	Coverdell	Roberts			
Dorgan	Reed	Craig	Roth			
Durbin	Reid	Crapo	Santorum			
Edwards	Robb	DeWine	Sessions			
Feinstein	Rockefeller	Domenici	Shelby			
Graham	Sarbanes	Enzi	Smith, Bob			
Harkin	Schumer	Fitzgerald	Smith, Gordon			
Hollings	Torricelli	Frist	Snowe			
Inouye	Wellstone	Gorton	Specter			
Johnson	Wyden	Gramm	Stevens			
		Grams	Thomas			
		Grassley	Thompson			
		Gregg	Thurmond			
		Hagel	Voinovich			
		Hatch	Warner			
		Helms				

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

against him.

On January 25, 1999, Senator Byrd moved to dismiss the impeachment proceedings. Under Senate rules, the House Managers and the President's counsel are each given up to one hour to argue a motion to dismiss impeachment proceedings. Senators then debate the motion during closed session. The Senate earlier rejected a motion to suspend the rules to permit open debate on the Byrd motion (see vote No. 2).

Arguments by the House Managers:

The President of the United States has been formally impeached for committing felonies. He has been charged with obstruction of justice and perjury. People all over America are sitting in jail cells for committing exactly the same crimes. The charges are extremely serious, and we believe that Senators have a constitutional responsibility to weigh them fully, despite the pressures they are under to abort this trial. We are firmly convinced that the President is guilty of violating his oath of office by willfully corrupting and manipulating the judicial process for his personal gain and exoneration. He should be tried and convicted.

Article I, section 3 of the Constitution states that the Senate shall have the sole power to "try" all impeachments. It does not say that the Senate should start trials and then quit half-way through without voting on the impeachment articles, or that it should short-circuit its deliberations whenever it seems politically expedient. We certainly recognize that the Senate has a parliamentary rule that allows it to consider motions to dismiss, but that procedural fact hardly makes it right. A motion to dismiss cowers from making a final judgment; it says simply that the matter will not be considered. Thesaurus entries for "dismiss" aptly include "disregard," "ignore," and "brush off." Should Members really "brush off" the manifest evidence of serial felonies by the President of the United States, or should they weigh that evidence fully and come to a considered judgment? The answer, obviously, is the latter. Failing to vote up or down on the articles of impeachment would leave a raw wound in the body politic; it would leave the impeachment articles forever unanswered.

We have moved through the opening phases of the impeachment trial in the Senate. Both sides have made their opening arguments, and Senators have had the opportunity to have their written questions answered. The next step that should occur is the calling of witnesses. As in any trial, the deposing and calling of witnesses could help answer questions regarding conflicting testimony. The President and his battery of attorneys have flatly denied every allegation in both articles of impeachment, despite the tremendous amount of evidence to the contrary. Much of that evidence has been reluctantly provided under oath by his most ardent supporters. The President, in his testimony, has made statements that directly conflict with the statements made by other witnesses, including Ms. Lewinsky, Betty Currie (his personal secretary), John Podesta and Sidney Blumenthal (top White House aides), and Vernon Jordan (a close personal confidante of the President). During this trial, we have pointed out numerous areas of conflict. The President's lawyers have ignored the conflicts, have asserted that they are trivial, or have given their own tortured